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– and –

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Counsel for Defendants

[Additional counsel appear on signature page.]

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

CURTIS AND CHARLOTTE WESTLEY,)	No. C11-02448-EMC
Individually and on Behalf of All Others)	and related consolidated action
Similarly Situated,)	(Lead Case No. C11-3176-EMC)
)	(Derivative Action)

Plaintiffs,

vs.

OCLARO, INC., et al.,

Defendants.

In re OCLARO, INC. DERIVATIVE
LITIGATION

Lead Case No. C11-3176-EMC
(Derivative Action)

This Document Relates To:

Westley v. Oclaro, Inc., et al.,
C11-02448-EMC.

STIPULATION AND [PROPOSED] ORDER
RESCHEDULING CASE MANAGEMENT CONFERENCE

1 WHEREAS, on August 26, 2013, the parties attended a mediation before the Honorable Layn
2 R. Phillips (Ret.) in Newport Beach, California to explore a non-litigated resolution of this matter;

3 WHEREAS, on September 19, 2013, the parties filed with the Court a stipulation and
4 proposed order, wherein the parties (i) noted that they had made substantial progress at the mediation
5 and (ii) requested that the Court allow them additional time to conclude and document their efforts to
6 achieve a non-litigated resolution of this matter by rescheduling the Case Management Conference
7 (“CMC”) (Dkt. No. 165);

8 WHEREAS, on September 20, 2013, the Court entered an order rescheduling the CMC from
9 September 26, 2013 at 10:30 a.m. to October 31, 2013 at 10:30 a.m., with the Joint CMC Statement
10 due one week prior to the CMC (Dkt. No. 166);

11 WHEREAS, the parties are currently circulating draft proposed settlement papers and
12 continue to work diligently to finalize those papers;

13 WHEREAS, in order to avoid the unnecessary expenditure of the Court’s resources or effort
14 by the parties to this action, the parties have agreed, subject to the Court’s approval, to reschedule
15 the CMC from October 31, 2013 at 10:30 a.m. to December 5, 2013 at 10:30 a.m. or another date
16 thereafter that is convenient to the Court;

17 WHEREAS, the parties have agreed, subject to the Court’s approval, that the Joint CMC
18 Statement shall be due one week prior to the date of the CMC;

19 NOW THEREFORE, the undersigned parties, by and through their counsel of record,
20 stipulate as follows:

21 1. Subject to the Court’s approval, the CMC, currently set for October 31, 2013 at 10:30
22 a.m., shall be rescheduled for December 5, 2013 at 10:30 a.m., or another date thereafter that is
23 convenient for the Court.

2. The Joint CMC Statement shall be due one week prior to the date of the CMC.

DATED: October 28, 2013

ALSTON & BIRD LLP
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s/ Gidon M. Caine
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Additional Counsel for Plaintiff

Certificate Pursuant to Local Rule 5-1(i)(3)

I, Gidon M. Caine, am the ECF User whose identification and password are being used to file the STIPULATION AND [PROPOSED] ORDER RESCHEDULING CASE MANAGEMENT CONFERENCE. In compliance with Local Rule 5-1(i)(3), I hereby attest that Shawn A. Williams has concurred in this filing.

Dated: October 28, 2013

/s Gidon M. Caine
GIDON M. CAINE

* * *

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____
THE HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT JUDGE